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# MANDATE

S.D.N.Y. - N.Y.C.  
08-cv-3244  
Wood, C. J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30<sup>th</sup> day of July, two thousand eight,

Present:

Hon. Sonia Sotomayor,  
Hon. Robert A. Katzmann,  
Hon. Richard C. Wesley,  
*Circuit Judges.*



Leverett Grissom,

*Plaintiff-Appellant,*

v.

08-2599-pr

Smooth Magazine, *et al.*,

*Defendants-Appellees.*

Appellant, *pro se*, moves for appointment of counsel and *in forma pauperis* status. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: Richard Alcantara  
Richard Alcantara, Deputy Clerk

SAO-PR

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by Z. Cole  
DEPUTY CLERK

ISSUED AS MANDATE: 8/21/08